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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,890	06/07/2005	Aravind Soundararajan	US020513US	7209
65913	7550	01/12/2010		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER MENDOZA, JUNIOR O	
			ART UNIT 2423	PAPER NUMBER
			NOTIFICATION DATE 01/12/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/537,890	Applicant(s) SOUNDARARAJAN, ARAVIND
Examiner JUNIOR O. MENDOZA	Art Unit 2423

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed 12/15/2009 have been fully considered but they are not persuasive as the examiner respectfully disagrees with the applicant.

McKissick discloses a system for broadcasting television content and messages, such as instant messages (see figure 17, 19 and 25), to recipient users from the television distribution facility 16 using a bidirectional communication path 24 (Figure 1A), see paragraphs [0012] [0061]. The examiner points to paragraphs [0095] [0145] which teaches that a user may send a message to a group of viewers who are watching the same program; allowing the group of viewers to read the messages while watching the program, i.e. a real time chatting system. Danker was introduced to further clarify teachings related to multiplexing and broadcasting messages to identified receivers, see office action mailed 09/17/2009. Therefore, the combination of McKissick and Danker clearly disclose broadcasting messages to a plurality of set top boxes.

Furthermore, the test for combining references in what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art; since, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In this case, McKissick clearly teaches a television chatting system which allows the real time communication of text messages to viewers watching the same program. The fact that instant chatting messages are presented to viewers while watching a program demonstrates that these messages are transmitted to the viewer receivers in real time, figures 17 and 19. It is not improper to modify McKissick with Danker as one of ordinary skill in the art would recognize that the multiplexing, broadcasting and receiver identification scheme of Danker may obviously be applied to McKissick. Multiplexing messages with video data would allow the transmission of different types of content implementing a single transmission medium (see office action mailed 09/17/2009). Broadcasting these messages to everyone, but only allowing the preset recipients to be able to display the messages is of common knowledge in the art as disclosed by Danker, paragraphs [0002] [0003] [0016]. It is apparent that the method of Danker can be implemented to enhance the message broadcasting system of McKissick, by multiplexing and broadcasting a message to all receivers in a network and allowing only intended users to be able to receive and present the message; therefore, the combination of McKissick and Danker is not improper.